

IN RE: PETITION FOR ZONING VARIANCE
34/Corner Merritt Boulevard
and German Hill Road
(1407 Merritt Boulevard)
12th Election District
7th Councilmanic District
Vornado, Inc.
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-337-A

ORDER OF DISMISSAL

Pursuant to the receipt of a voluntary request for withdrawal from Counsel for Petitioners,

IT IS ORDERED by the Zoning Commissioner for Baltimore County this 19th day of June, 1989 that the Petition for Zoning Variance in the above-captioned matter be and the same is hereby DISMISSED without prejudice.

JRM:bjs
cc: Nancy E. Paige, Esquire
233 E. Redwood Street
Baltimore, Maryland 21202
People's Counsel
File

PETITION FOR ZONING VARIANCE # 258

89-337-A
The undersigned, legal owner(s) of the property at issue in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 409.6 to permit 1,007 parking spaces instead of the required 1,022 spaces.

Additional space will be storage only and will not directly impact the volume of customers visiting this store. Petitioner's deep discount sales operation requires additional on-site storage capacity.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Tenant:
F. & M. Distributors, Inc.
By: (Type or Print Name)
Signature
25800 Sherwood
Address
Warren, Michigan 48091
City and State

Legal Owner(s):
Vornado, Inc.
By: (Type or Print Name)
Signature
(Type or Print Name)
Signature

MAP 20-2-2
E.D. 12
DATE 1/29/89
25800
1000
DP

Attorney for Petitioner:
Nancy E. Paige
(Type or Print Name)
Signature
233 E. Redwood Street
Address
Baltimore, Maryland 21202
City and State
Attorney's Telephone No.: 301-576-4294

174 Passaic Street 201-773-4000
Address Phone No.
Garfield, New Jersey 07026
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 28th day of June, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 22nd day of Feb., 1989, at 11 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.
(over)

Annexed to License dated as of January 18, 1984, between T.G. STORES, INC., as Landlord, and SUPERMARKETS GENERAL CORPORATION, as Tenant.

Premises: Merritt Boulevard, Dundalk, Maryland

LEGAL DESCRIPTION OF THE LAND

All that certain lot of ground containing 16.109 acres of land more or less situate, lying and being in the 12th Election District of Baltimore County, State of Maryland and being more particularly described as follows:

BEGINNING at a point in the easterly right of way line of Merritt Boulevard (120 feet wide) (said point of beginning is located the following two (2) courses and distances from the intersection of the centerlines of Merritt Boulevard and German Hill Road: (a) S 14° 53' 38" E, along said centerline of Merritt Boulevard, 518.31 feet, and (b) N 75° 06' 22" E, 60.00 feet); thence
(1) N 11° 19' 04" W, along said easterly right of way line of Merritt Boulevard, 76.36 feet to a point in the line of Land now or formerly of Miller; thence
(2) N 75° 06' 22" E, along said Land of Miller, 256.23 feet; thence
(3) still along said Land of Miller, curving to the right on a curve whose radius is 225.03 feet, an arc distance of 132.53 feet (the chord of said curve has a bearing of N 1° 58' 43" E, and a length of 130.62 feet); thence
(4) still along said Land of Miller, N 26° 08' 57" W, 21.21 feet to a point in the southerly right of way line of German Hill Road (70 feet wide); thence
(5) S 71° 08' 57" E along said southerly line of German Hill Road, 90.00 feet to a point in the line of other Land now or formerly of Miller; thence
(6) S 63° 51' 03" W, along said other Land of Miller 21.21 feet; thence
(7) S 63° 51' 03" W, along said other Land of Miller, S 18° 51' 03" W, 61.44 feet; thence
(8) still along said other Land of Miller, curving to the left on a curve whose radius is 165.03 feet, an arc distance of 79.20 feet (the chord of said curve has a bearing of S 1° 58' 43" W and a length of 95.80 feet); thence
(9) still along said other Land of Miller, S 14° 53' 38" E, 38.35 feet; thence
(10) still along said other Land of Miller, S 14° 53' 38" E, 139.50 feet to a point in the line of Land now or formerly of Baltimore Gas and Electric Company; thence
(11) S 14° 53' 38" E, along said Land now or formerly of Baltimore Gas and Electric Company, 1484.02 feet to a point; thence
(12) S 75° 06' 22" W, 437.00 feet to a point in the easterly right of way line of Merritt Boulevard (120 feet wide); thence
(13) N 14° 53' 38" W, along said easterly line of Merritt Boulevard, 1523.64 feet to the point of beginning.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 12th
Posted for: 10 days
Petitioner: F. & M. Distributors, Inc.
Location of property: 34/Corner Merritt Boulevard and German Hill Road
Location of Sign: 34/Corner Merritt Boulevard and German Hill Road
Remarks:
Posted by: J. Robert Haines
Number of Signs: 2
Date of Posting: 1/29/89
Date of return: 2/4/89

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

4 N. Center Place
P.O. Box 8936
Dundalk, Md. 21222
February 3, 1989

THIS IS TO CERTIFY, that the annexed advertisement of J. Robert Haines in the matter of Zoning Hrgs. Case #89-337-A - P.O. #09592 - Req. #M25229 - 86 lines was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for one successive weeks before the 3rd day of February 1989; that is to say, the same was inserted in the issues of February 2, 1989

Kimbel Publication, Inc.
per Publisher.

By: J. Robert Haines

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333
J. Robert Haines
Zoning Commissioner

F & M Distributors, Inc.
25800 Sherwood
Warren, Michigan 48091
ATTN: ARTHUR KATZ, V.P.

Re: Petition for Zoning Variance
CASE NUMBER 89-337-A
SEC Merritt Blvd. & German Hill Road
1407 Merritt Blvd.
12th Election District - 7th Councilmanic
Legal Owner(s): Vornado, Inc.
Tenant: F & M Distributors, Inc.
HEARING SCHEDULED: WEDNESDAY, FEBRUARY 22, 1989 at 11:00 a.m.

Gentlemen:
Please be advised that \$92.40 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE 2/22/1989 ACCOUNT R-01615-000
AMOUNT \$ 92.40
RECEIVED FROM: JRM
FOR: JRM
VALIDATION OR SIGNATURE OF CASHIER
J. Robert Haines
Zoning Commissioner of Baltimore County

post set(s), there each set not
of

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333
J. Robert Haines
Zoning Commissioner

January 20, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER 89-337-A
SEC Merritt Blvd. & German Hill Road
1407 Merritt Blvd.
12th Election District - 7th Councilmanic
Legal Owner(s): Vornado, Inc.
Tenant: F & M Distributors, Inc.
HEARING SCHEDULED: WEDNESDAY, FEBRUARY 22, 1989 at 11:00 a.m.

Variance to permit 1,007 parking spaces instead of the required 1,022 spaces.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County
cc: Vornado, Inc.
F & M Distributors, Inc.
Nancy E. Paige, Esq.
File

CERTIFICATE OF PUBLICATION

TOWSON, MD., February 3, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on February 2, 1989.

THE JEFFERSONIAN,

S. Zafe Orlan
Publisher

PO 09609
NY M 35225
ca 89-337-A
price \$39.40

89-337-A
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
24th day of March, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: Vornado, Inc.
Petitioner's Attorney: Nancy E. Paige, Esquire
Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 7, 1989

COUNTY OFFICE BLDG.
111 W. CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

000

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Nancy E. Paige, Esquire
233 E. Redwood Street
Baltimore, MD 21202

RE: Item No. 258, Case No. 89-337-A
Petitioner: Vornado, Inc.
Petition for Zoning Variance

Dear Ms. Paige:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosure

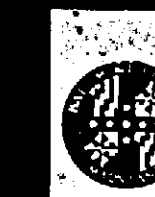
cc: Vornado, Inc.
174 Passaic Street
Garfield, NJ 07026

Baltimore County
Fire Department
Towson, Maryland 21204-2386
494-4500

Paul H. Reincke
Chief

January 12, 1989

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204



Dennis F. Rasmussen
County Executive

Re: Property Owner: Legal Owner: Vornado, Inc.
Tenant: F & M Distributors, Inc.
Location: 1407 Merritt Blvd.

Item No.: 258 Zoning Agenda: Meeting of 12/27/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals of 150 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

() 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

(X) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWED: *[Signature]* 1/16/89
Planning Group
Special Inspection Division

NOTED &
APPROVED:

[Signature]
Fire Prevention Bureau

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines
Zoning Commissioner

TO: _____

Date: February 11, 1989

FROM: Pat Keller, Deputy Director

Assistant Planning and Zoning

Vornado, Inc. (F&M Distributors)

SUBJECT: Zoning Petitioner No. 89-337-A

The petitioner is requesting a variance to permit 1,000 parking spaces in lieu of the 1,022 required. In reference to this request, staff provides the following information:

* The rezoning is being computed at a parking requirement of one space per 200 square feet which is identical to retail use. The existing center has a restaurant which in all likelihood is over calculated in relation to use.

Based upon the analysis conducted, staff recommends approval of the applicant's request subject to the following conditions:

* The petitioner shall provide landscaping at the shopping center in an amount equal to the percent of area that F&M Distributors occupies at the shopping center as approved by the County Landscape Planner. For example, if Distributors occupies 15% of the gross floor area of the center, 15% of the area available for landscaping shall be supplemented with landscaping.

PK/ef

RECEIVED
FEB 13 1989

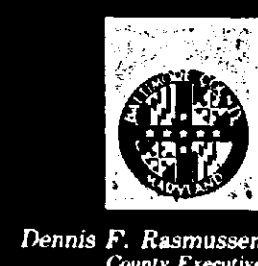
cc Nancy E. Paige, Esq.

ZONING OFFICE

CPS-008

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3354

January 17, 1989



Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers 137, 236, 248, 249, 250, 251, 254, 256, 257, and 258.

Richard S. Blumstein
Richard S. Blumstein
Traffic Engineer Associate II

MSF/1w

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

May 19, 1989



Dennis F. Rasmussen
County Executive

Nancy E. Paige, Esquire
Gordon, Feinblatt, Rothman, Hoffberger & Hollander
Garrett Building
233 E. Redwood Street
Baltimore, Maryland 21202

RE: Petition for Zoning Variance
Case #89-337-A
F&M Distributors, Inc., Petitioner

Dear Ms. Paige:

Thank you for your correspondence and attached Order dated May 12, 1989 in case #89-337-A.

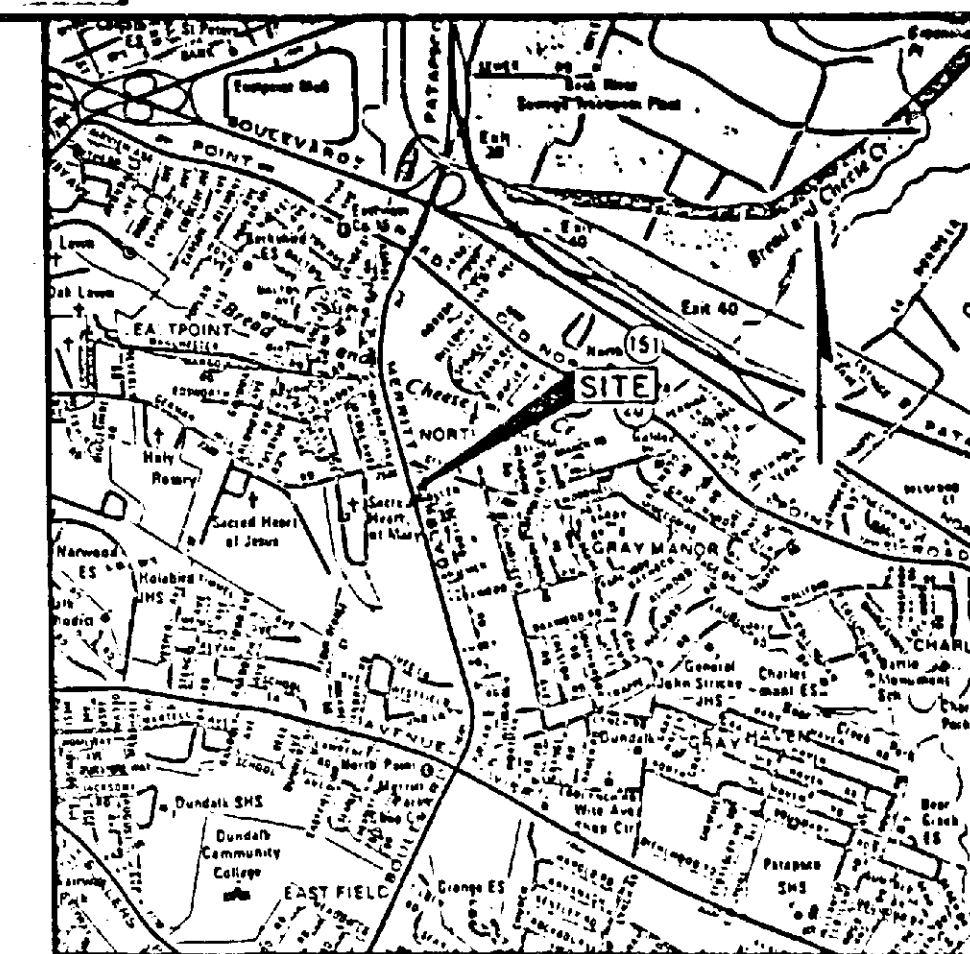
Regarding F & M Distributors Case 89-337-A, I will diary this file for June 15, 1989 and if I have not heard from you by then, I will dismiss same and withdraw the matter from the docket. As you know, this case has been pending since February, 1989.

If you have any questions regarding the above, please do not hesitate to contact me.

Very truly yours,

J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mn



LOCATION MAP



F&M DISTRIBUTORS

SITE PLAN FOR PARKING VARIANCE



Longardner & Associates, Inc.
5120 Washington Boulevard • Indianapolis, Indiana 46206
(317) 871-6526

PROJECT NO: 600105

DATE: 8/12/88 DRAWN BY: R.M.

- SITE DATA**
1. SITE AREA: 16.109 AC = 701,708 SF
2. ZONING: RM
3. DEED REFERENCE: MERRITT BOULEVARD PROPERTIES, 5286/065
4. TAX ACCOUNT NUMBER: 12-20-02700879
5. ELECTION DISTRICT: 12
6. COUNCILMANIC DISTRICT: 7
7. CENSUS TRACT: 4201.02
8. WATERSHED: 21
9. SUBSERSHMENTED: 41
10. 4,914 SF TRIMED STORAGE MEZZANINE
11. PARKING SPACE TABULATION:
- * EXIST. RETAIL 187,215 SF @ 1 SP/200 SF = 936
- * EXIST. RESTAURANT 2,982 SF @ 1 SP/50 SF = 60
- * EXIST. BANK 1,100 SF @ 1 SP/300 SF = 6
- * STORAGE MEZZANINE 4,034 SF @ 1 SP/200 SF = 20
- TOTAL SPACES REQUIRED = 1,022
- TOTAL SPACES PROVIDED = 1,007
- (HANDICAPPED INCLUDED)
- ADDITIONAL SPACES REQUIRED 15

LEGEND	EXISTING
BUILDING	
BITUMINOUS PAV.	
CONCRETE PAV.	
CURB	
STORM DRAIN	
SANITARY SEWER	
WATER	
GAS	
FENCE	
UNDERGROUND ELECTR.	
TELEPHONE	
LIGHT POLE	
CONTOURS	
SPOT ELEVATION	
CENTER LINE	
PROPERTY LINE	
HIGH POINT	
SWALE	
FIRE HYDRANT	
WATER VALVE	
DRAIN INLET	